CITY COUNCIL MEETING **AUGUST 28, 2001**

On the 28th day of August, A.D., 2001, the City Council of the City Date & Time

of Fort Worth, Texas, met in regular session at 10:14 a.m. in the City Council Chamber, 1000 Throckmorton, with the following

members and officers present:

Attendance Mayor Kenneth Barr; Mayor Pro tempore Ralph McCloud; Council

> Members Jim Lane, Chuck Silcox, Becky Haskin, Frank Moss, Clyde Picht, Jeff Wentworth, and Wendy Davis; City Manager Gary Jackson; City Attorney David Yett; City Secretary Gloria With more than a quorum present, the following

business was transacted:

Invocation The invocation was given by Pastor Bill Bowers, Wedgwood

Church of Nazarene.

Pledge The Pledge of Allegiance was recited.

On motion of Council Member Davis, seconded by Council Minutes

Member Lane, the minutes of the regular meeting of August 21,

2001, were approved unanimously.

Special

Council Member Wentworth presented a Proclamation for Food **Presentations** Safety Month to Mr. Eric Cheddar, President of the Restaurant

Association, and to Dr. Daniel Reimer, Director of Health

Department.

Council Member Silcox announced that a District 3 Community Announcements

> Forum would be held tonight at 7:00 p.m. at Monnig Middle School, 3136 Bigham Blvd. He added that various City representatives would be present and invited everyone interested

to attend.

Withdrawn from

Council Member Picht requested that Mayor and Council Communication No. G-13355 be withdrawn from the consent **Consent Agenda**

agenda.

City Manager Jackson requested that Mayor and Council

Communication No. L-13130 be withdrawn from the consent

agenda.

On motion of Council Member Davis, seconded by Council **Consent Agenda**

Member Wentworth, the consent agenda, as amended, was

adopted unanimously.

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Appointments

Council Member Haskin made a motion, seconded by Council Member Davis, that Reverend Weldon G. Daniels and Ms. Patricia A. Briggs be appointed to the Minority and Women Business Enterprise Advisory Committee effective August 28, 2001. The motion carried by the following vote:

AYES: Mayor Barr; Mayor Pro tempore McCloud;

Council Members Lane, Haskin, Moss,

Picht, Wentworth and Davis

NOES: Council Member Silcox

ABSENT: None

Res. # 2769 Appoint Member of D/FW Airport Board There was presented Resolution No. 2769 appointing Robert Kolba to Place 7 for the unexpired portion of a four-year term, on the Dallas Fort Worth (D/FW) International Airport Board, said appointment to be effective August 28, 2001, and to serve until January 31, 2002, or until a successor is duly qualified and appointed. Council Member Wentworth made a motion, seconded by Council Member Haskin, that the recommendation be adopted. The motion carried unanimously.

OCS-1235 Claims There was presented Mayor and Council Communication No. OCS-1235 from the Office of the City Secretary recommending that the City Council refer notices of claims regarding alleged damages and/or injuries to the Risk Management Department. It was the consensus of the City Council that the recommendation be adopted.

G-13276 Continued for 30 Days There was presented Mayor and Council Communication No. G-13276, dated June 19, 2001, from the City Manager recommending that the City Council authorize the execution of a Unified Sign Agreement and approval of a sign plan with Arnold Pent of Sundial Development Corporation and MJCH Corporation for Landmark Lakes Center located at 6400 N.W. Loop 820. Council Member Wentworth made a motion, seconded by Council Member Silcox, that Mayor and Council Communication No. G-13276 be continued for 30 days. The motion carried unanimously.

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G-13353
Set Public Hearing for NEZ
Reinvestment
Zone No. 1 and
Delivery of
Notices

There was presented Mayor and Council Communication No. G-13353 from the City Manager recommending that the City Council:

- 1. Set Tuesday, September 11, 2001, at 7:00 p.m. as the date and time for a public hearing before City Council concerning:
 - a) The advisability of establishing the Stop Six Neighborhood Empowerment Zone (NEZ) as Fort Worth Neighborhood Empowerment Reinvestment Zone No. 1 for tax abatement purposes; and
 - b) The boundaries of the proposed zone; and
- 2. Authorize the City Manager to give notice of the public hearing as required by state law.

It was the consensus of the City Council that the recommendation be adopted.

G-13354
Ord. # 14758
Appropriation of
Funds for Human
Relations
Commission 2001
Seminar

There was presented Mayor and Council Communication No. G-13354 from the City Manager recommending that the City Council adopt Supplemental Appropriation Ordinance No. 14758 increasing the estimated receipts and appropriations in the General Fund in the amount of \$6,440.00 from available funds for the purpose of funding the 2001 Employment Law and Technical Assistance Seminar for Attorneys, Human Resource Professionals, and Employers. It was the consensus of the City Council that the recommendation be adopted.

G-13355 Considered After Executive Session

There was presented Mayor and Council Communication No. G-13355 from the City Manager recommending that the City Council:

1. Authorize the City Manager to retain the law firm of Bickerstaff, Heath, Smiley, Pollan, Kever & McDaniel, L.L.P., and designate Bob Heath as outside legal counsel, pursuant to Chapter VI, Section 3 of the City Charter, to assist the City Attorney in representing and defending the City in the lawsuit titled Office of the Attorney General v. City of Fort Worth Police Department, Cause No. GV101782 (Travis County); and

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2. Adopt a resolution fixing in advance, as far as practicable, that the compensation to be paid to Bob Heath for his services is hereby fixed in an amount not to exceed \$15,000.00.

Council Member Picht made a motion, seconded by Council Member Silcox, that this item be delayed until after Executive Session. The motion carried unanimously.

G-13356 Res. # 2770 Employ Outside Legal Counsel There was presented Mayor and Council Communication No. G-13356 from the City Manager recommending that the City Council:

- 1. Retain Analeslie Muncy as outside legal counsel to assist the City Attorney in addressing issues relating to redistricting and elections, pursuant to Chapter VI, Section 3 of the City Charter; and
- 2. Adopt Resolution No. 2770 establishing the compensation payable to Analeslie Muncy at the rate of \$150.00 per hour, not to exceed a total of \$10,000.00; and
- 3. Authorize the City Manager or his designee to execute a professional services contract with Ms. Muncy for a sum not to exceed \$10,000.00.

It was the consensus of the City Council that the recommendation be adopted.

G-13357 Ord. # 14759 Amend City Code Related to Time for Collection of Impact Fees There was presented Mayor and Council Communication No. G-13357 from the City Manager recommending that the City Council adopt Ordinance No. 14759 amending Chapter 35, Water and Sewers, by amending Section 35-70.5 related to the collection of impact fees. It was the consensus of the City Council that the recommendation be adopted.

G-13358
Res. # 2771
Ord. # 14760
Grant from
Criminal Justice
Division and
Execute YMCA
Contracts

There was presented Mayor and Council Communication No. G-13358 from the City Manager recommending that the City Council:

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- 1. Adopt Resolution No. 2771 authorizing acceptance of a grant in the amount of \$130,371.00 from the Criminal Justice Division of the Governor's Office under the Safe/Drug-Free Schools and Communities Act for the Diamond Hill Connection After-School Program from September 1, 2001, to August 31, 2002; and
- 2. Adopt Appropriation Ordinance No. 14760 increasing the estimated receipts and appropriations in the Grants Fund in the amount of \$130,371.00 upon receipt of the grant from the Criminal Justice Division of the Governor's of Texas' Office for the purpose of funding the operation of the Diamond Hill Connection After-School Program; and
- 3. Authorize the City Manager, contingent upon receipt of the grant award, to execute contracts with the YMCA of Metropolitan Fort Worth in an amount not to exceed \$86,708.00 and Camp Fire USA First Texas Council (formerly known as First Texas Council of Camp Fire Boys and Girls) in an amount not to exceed \$43,663.00 to conduct the program.

It was the consensus of the City Council that the recommendation be adopted.

G-13359
Rental Policy and
Schedule of Rates
and User Fees for
WRMC and FWCC

There was presented Mayor and Council Communication No. G-13359 from the City Manager recommending that the City Council adopt the Rental Policy and Schedule of Rates and User Fees for Will Rogers Memorial Center (WRMC) and the Fort Worth Convention Center (FWCC). Council Member Haskin made a motion, seconded by Council Member Picht, that the recommendation be adopted. The motion carried unanimously.

G-13360 Ord. # 14761 Increase Number of Taxicabs for Yellow Checker Cab Company

There was presented Mayor and Council Communication No. G-13360 from the City Manager recommending that the City Council approve a request from Yellow Checker Cab Company for fifty additional taxicabs and approve Ordinance No. 14761 amending City Ordinance No. 13104 increasing from one hundred fifty to two hundred taxicabs, the Yellow Checker Cab Company of Dallas/Fort Worth, Inc. is authorized to operate on City public streets, alleys, and thoroughfares. Council Member Moss made a motion, seconded by Mayor Pro tempore McCloud, that the recommendation be adopted. The motion carried unanimously.

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G-13361 Continued Until September 11, 2001 There was presented Mayor and Council Communication No. G-13361 from the City Manager recommending that the City Council appoint the following persons to the Fort Worth Transportation Authority (FWTA) Executive Committee to one year terms beginning September 1, 2001, and ending August 31, 2002:

Eduardo Cañas Paul N. Geisel Richard Spraberry Frank B. Staton J.R. Kimball Gyna Bivens William T. Leonard Gregory Hughes

Council Member Davis made a motion, seconded by Mayor Protempore McCloud, that Mayor and Council Communication No. G-13361 be continued until September 11, 2001. The motion carried unanimously.

G-13362
Ord. # 14762
Revising
Wholesale Water,
Wastewater, and
Raw Water
Service Rates

There was presented Mayor and Council Communication No. G-13362 from the City Manager recommending that the City Council adopt Ordinance No. 14762 amending Sections 35-56(g) and 35-56(h) of Chapter 35 of the Code of the City of Fort Worth (1986), as amended, by revising and adding certain rates and charges, and providing an effective date of billing on or after November 1, 2001, for usage of flows from and after October 1, 2001. Council Member Silcox made a motion, seconded by Council Member Davis, that the recommendation be adopted. The motion carried unanimously.

P-9447 Automated/Manual Meter Reading System There was presented Mayor and Council Communication No. P-9447 from the City Manager recommending that the City Council authorize a purchase agreement for an automated/manual meter reading system with Datamatic, Inc. for the Water Department based on the low overall bid per unit prices with payment due 30 days from the date of the invoice, and authorize this agreement to begin August 28, 2001, and expire August 27, 2002, with options to renew for two additional one-year periods. It was the consensus of the City Council that the recommendation be adopted.

P-9448 White Stone, Sub-Drain and Grade 6 Sand Aggregate There was presented Mayor and Council Communication No. P-9448 from the City Manager recommending that the City Council authorize a non-exclusive purchase agreement for white stone, sub-drain and Grade 6 sand aggregate with Beall Industries and McCauley Dirt Company for the City of Fort Worth based on the responsive bids received with payment due 30 days from the date

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of the invoice, and authorize this agreement to begin August 28, 2001, and expire August 27, 2002, with options to renew for two additional one-year periods. It was the consensus of the City Council that the recommendation be adopted.

P-9449 Ground Boxes and Covers

There was presented Mayor and Council Communication No. P-9449 from the City Manager recommending that the City Council authorize a purchase agreement for ground boxes and covers from Temple, Inc. for the Transportation and Public Works Department based on the low bid received with payment due 30 days after receipt of invoices, and authorize this agreement to begin September 11, 2001, and expire September 10, 2002, with options to renew for two additional one-year periods. It was the consensus of the City Council that the recommendation be adopted.

P-9450 Reject RFPs for Long Distance Service There was presented Mayor and Council Communication No. P-9450 from the City Manager recommending that the City Council authorize the City Manager to reject all responses to the Request for Proposal (RFP) for Long Distance Service. Council Member Silcox made a motion, seconded by Council Member Davis, that the recommendation be adopted. The motion carried unanimously.

L-13129
Permanent
Sidewalk and
Traffic Signal
Easement

There was presented Mayor and Council Communication No. L-13129 from the City Manager recommending that the City Council approve the acceptance of one permanent sidewalk and traffic signal easement described as Lot 1, Block 8, Eastchase Addition, Tarrant County, Texas, from Texas Bentley Village (DOE 3165) for the construction and maintenance of a public sidewalk and traffic signal on the corner of the owner's property, for a cost of \$300.00. It was the consensus of the City Council that the recommendation be adopted.

L-13130 Permanent Water Main Easement

There was presented Mayor and Council Communication No. L-13130 from the City Manager recommending that the City Council approve the acquisition of one permanent water main easement described as Abstract 15989, Tract 1, Moses Walter Survey, Tarrant County, Texas, from Cindy Goodwin, Jack Robert Edmondson, Carol Johnson Daniels and B. K. Johnson (DOE 3184) for the construction, installation and maintenance of a water line, for a total cost of \$1,000.00.

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City Manager Jackson amended the square footage in the Discussion section of the M&C to read 226 square feet. He added that the 226 square feet easement was being acquired from a parcel totaling 1,865,675 square feet.

Council Member Davis made a motion, seconded by Council Member Wentworth, that Mayor and Council Communication No. L-13130 be adopted, as amended. The motion carried unanimously.

L-13131
Acquisition of Single-Family Residential Property

There was presented Mayor and Council Communication No. L-13131 from the City Manager recommending that the City Council authorize the acquisition of a single-family residence (Parcel No. 612) described as Lot 13, Block 23, Washington Heights Addition, (3505 Ross Avenue), Fort Worth, Texas for the Meacham International Airport Mitigation Program; find that the price offered in the amount of \$53,000.00 is just compensation; and authorize the acceptance and recording of the appropriate instruments. It was the consensus of the City Council that the recommendation be adopted.

L-13132 Sanitary Sewer Easement There was presented Mayor and Council Communication No. L-13132 from the City Manager recommending that the City Council release and abandon a 18,000 square foot portion of the sanitary sewer easement dedicated to the City by L & S Land Company, for construction of a new subdivision. It was the consensus of the City Council that the recommendation be adopted.

L-13133 Lease Agreement with Interstate Industrial Properties, LP There was presented Mayor and Council Communication No. L-13133 from the City Manager recommending that the City Council authorize the City Manager to enter into a lease agreement with Interstate Industrial Properties, LP for property located at 2012 15th Avenue for the Day Labor Center and authorize a five-year term lease agreement, contingent upon funds being appropriated each of the five years and authorizing to renew the lease as necessary for up to five successive one-year periods. Council Member Davis made a motion, seconded by Mayor Pro tempore McCloud, that the recommendation be adopted subject to negotiations with the Fort Worth Transportation Authority to provide direct bus service to this facility.

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Debra Morrow

Ms. Debra Morrow, 2221 W. Broadway Avenue, appeared before Council and expressed concerns relative to the safety of area tenants and property owners during the operational hours of the center. She stated that neither she nor other owners/businesses were notified of the new use for this site. Mayor Barr requested that Ms. Morrow speak with Assistant City Manager Libby Watson at the end of the meeting to resolve her concerns.

The motion carried unanimously.

L-13134
Considered After
Executive Session

There was presented Mayor and Council Communication No. L-13134 from the City Manager recommending that the City Council authorize the City Manager to execute all necessary documents to purchase property located at 301 N. E. 6th Street, approximately 0.2295 acres. Council Member Davis made a motion, seconded by Council Member Moss, that this issue be delayed until after Executive Session. The motion carried unanimously.

PZ-2317 Ord. # 14763 Street and Alley Vacation VA-00-064 There was presented Mayor and Council Communication No. PZ-2317 from the City Manager recommending that the City Council adopt Ordinance No. 14763 vacating Malvey Avenue and alley, lying between Horne Avenue and Halloran Avenue, being 80 feet wide by 485 feet long and containing 38,800 square feet, more or less, and an east/west alley, being approximately 16 feet wide by 485 feet long and containing 7,760 square feet, both of which are located in Blocks 113 and 138, Chamberlain Arlington Heights, First Filing, Fort Worth, Tarrant County, Texas. It was the consensus of the City Council that the recommendation be adopted.

PZ-2318 Ord. # 14764 Private Drive, Taxiway and Emergency Access Vacation VA-01-029

There was presented Mayor and Council Communication No. PZ-2318 from the City Manager recommending that the City Council adopt Ordinance No. 14764 vacating a 60-foot wide private drive, taxiway and emergency access easement located between Lots 14 and 15, Block 5, Hicks Airfield Addition, Section 3, Tarrant County, Texas. It was the consensus of the City Council that the recommendation be adopted.

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PZ-2319
Ord. # 14765
Three Private
Drives, Taxiways
and Emergency
Access
Easements
VA-01-030

There was presented Mayor and Council Communication No. PZ-2319 from the City Manager recommending that the City Council adopt Ordinance No. 14765 vacating three 60-foot wide private drives, taxiways and emergency access easements, being 159.90 feet, 159.84 feet and 160.05 feet long, respectively, located between Lots 35 thru 38, Block 4, Hicks Airfield Addition, Tarrant County, Texas. It was the consensus of the City Council that the recommendation be adopted.

C-18721 Ferrier Builders, Inc. There was presented Mayor and Council Communication No. C-18721 from the City Manager recommending that the City Council authorize the City Manager to execute a contract with Ferrier Builders, Inc. in the amount of \$64,059.00 and for a duration of 100 calendar days for the replacement of concrete flooring at Sycamore Creek Community Center. It was the consensus of the City Council that the recommendation be adopted.

C-18722 Westhill Construction, Inc. There was presented Mayor and Council Communication No. C-18722 from the City Manager recommending that the City Council authorize the City Manage to execute a contract with Westhill Construction, Inc. in the amount of \$148,041.00 for 100 working days for Valley Gutter Contract Citywide Locations (2001-11). It was the consensus of the City Council that the recommendation be adopted.

C-18723 Change Order Nos. 1 and 2 – CSC # 26887 – HP EnvironVision, Inc. There was presented Mayor and Council Communication No. C-18723 from the City Manager recommending that the City Council authorize the City Manager to execute Change Order Nos. 1 and 2 to City Secretary Contract No. 26887 with HP EnvironVision, Inc. in the amounts of \$14,919.68 and \$85,058.21, respectively, for asbestos abatement services at the Fort Worth Convention Center Exhibit Hall. It was the consensus of the City Council that the recommendation be adopted.

C-18724 Public Strategies Group, Inc. There was presented Mayor and Council Communication No. C-18724 from the City Manager recommending that the City Council authorize the City Manager to execute a contract with Public Strategies Group, Inc. in the amount of \$89,500.00 to conduct a Performance Management review of the City of Fort Worth. Council Member Wentworth made a motion, seconded by Council Member Silcox, that the recommendation be adopted. The motion carried unanimously.

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C-18725
Community
Facilities
Agreement - GBR
Realty, Ltd.

There was presented Mayor and Council Communication No. C-18725 from the City Manager recommending that the City Council authorize the City Manager to execute a Community Facilities Agreement with GBR Realty, Ltd. for construction of water and sewer services to serve Ridgeview Addition Phase I, east of Old Granbury Road. Council Member Davis made a motion, seconded by Council Member Haskin, that the recommendation be adopted. The motion carried unanimously.

C-18726
Amend
Community
Facilities
Agreement – CSC
26095 – Lost
Spurs
Development, Inc.

There was presented Mayor and Council Communication No. C-18726 from the City Manager recommending that the City Council authorize the City Manager to execute an amendment to City Secretary Contract No. 26095 authorizing the Parks and Community Services Department to reimburse 50 percent of the design, construction, and inspection expenses up to \$30,000.00 for privately constructed improvements to Lost Spurs Park; and accept the Lost Spurs Development, Inc.'s donation of facilities, including a playground, trail, backstop, soccer practice field and benches valued at \$46,249.47. Council Member Davis made a motion, seconded by Council Member Lane, that the recommendation be adopted. The motion carried unanimously.

Public Hearing 618 Sargent Street

It appeared that the City Council set today as the date for a public hearing for the Appeal of the Order of the Building Standards Commission regarding 618 Sargent Street. Mayor Barr asked if there was anyone present desiring to be heard.

Mr. Paul Bounds, representing Code Compliance, appeared before the City Council, presented a staff report regarding property located at 618 Sargent Street, and advised Council that staff was recommending that the City Council modify the decision of the Building Standards Commission by assessing a civil penalty of \$2,200.00; however, should all repairs be completed within 30 days from this date, the fine would be waived.

There being no one else desiring to be heard, Council Member Moss made a motion, seconded by Council Member Silcox, that the public hearing be closed and that Council modify the order of the Building Standards Commission by assessing a civil penalty of \$2,200.00, with the caveat that should all repairs be completed within 30 days from this date, the fine would be waived. The motion carried unanimously.

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Budget Hearing

It appeared to the City Council that they continue the hearing in connection with the proposed budget for the 2001-2002 fiscal year to give every interested person or citizen the opportunity to be heard. Mayor Barr stated that the hearing would remain open until the budget was adopted.

Citizen Presentations

Ms. Jeanne Strickland, 2400 Cypress, appeared before Council and expressed concerns with the living conditions at the Night Shelter, requested that a Police Task Force increase its efforts to prevent illegal drug activities near the shelter, and questioned Child Protective Services accountability.

Mayor Barr stated that the City Manager would contact the manager of the Night Shelter program regarding the drug issue.

Vanissa Carpenter

Ms. Vanissa Carpenter, representing Parker Custom Homes, P. O. Box 1613, appeared before Council and stated that she and her husband had been given only one housing project after being in the program for one and a half years. The project is located on the City's north side. She stated that they were informed by members of the Housing Department staff that a soil test had to be conducted. After stopping work on the project and having the test done, at their own expense, they were told that the test was not necessary. Mrs. Carpenter alleged that she felt that her company had received unfair treatment from the City. Mayor Barr directed the City Manager to prepare a written report, within the week regarding this matter and provide copies to Mr. and Mrs. Carpenter and the Council.

Robert Anderson

Mr. Robert Anderson, 510 New York Avenue, appeared before Council and advised them that he owned 510 and 512 New York Avenue. He stated that he had been given 120 days to correct violations on the properties. He further stated that he had received notice that the property had \$6,100.00 in fines for weed liens and that the weed liens have made it impossible to borrow money to make repairs to the property. Mr. Anderson requested an extension of the 120 days to correct the violations and that demolition of the property be delayed. Mayor Barr referred Mr. Anderson to Mr. Paul Bounds, Interim Code Compliance Director.

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Executive Session It was the consensus of the City Council that they recess into Executive Session at 10:58 a.m. to:

- 1. Seek the advice of its attorneys concerning the following pending or contemplated litigation or other matters that are exempt from public disclosure under Article X, Section 9 of the Texas State Bar Rules:
 - a) Legal issues concerning Wide Open West cable franchise:
 - b) Legal issues concerning use and marketing of the City logo;
 - c) Legal issues concerning any City Council Agenda item:

as authorized by Section 551.071 of the Texas Government Code; and

- 2. Discuss the purchase, sale, lease, or value of real property in accordance with Section 551.072 of the Texas Government Code. Deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a third party;
- 3. Deliberate concerning economic development negotiations as authorized by Section 551.086 of the Texas Government Code.

Reconvened

The City Council reconvened into regular session at 11:32 a.m., with eight members present. Council Member Haskin was absent.

G-13355 Res. # 2772 **Employ Outside** Legal Counsel

There was presented Mayor and Council Communication No. G-13355 from the City Manager recommending that the City Council:

1. Authorize the City Manager to retain the law firm of Bickerstaff, Heath, Smiley, Pollan, Kever & McDaniel, L.L.P., and designate Bob Heath as outside legal counsel, pursuant to Chapter VI, Section 3 of the City Charter, to assist the City Attorney in representing and defending the City in the lawsuit titled Office of the Attorney General v. City of Fort Worth Police Department, Cause No. GV101782 (Travis County); and

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2. Adopt Resolution No. 2772 fixing in advance, as far as practicable, that the compensation to be paid to Bob Heath for his services is hereby fixed in an amount not to exceed \$15,000.00.

Council Member Lane made a motion, seconded by Council Member Davis, that the recommendation be adopted. The motion carried unanimously.

L-13134 Purchase of Property There was presented Mayor and Council Communication No. L-13134 from the City Manager recommending that the City Council authorize the City Manager to execute all necessary documents to purchase property, approximately 0.2295 acres, located at 301 N. E. 6th Street. Council Member Lane made a motion, seconded by Council Member Moss, that the recommendation be adopted. The motion carried unanimously.

Adjournment

There being no further business, the meeting was adjourned at 11:34 a.m.